

Remarks/Arguments:

The Office Action indicates that claims 3-7, 10-12 and 19-48 are now pending in the application. Claims 3-7, 10-12 and 28-48 are rejected. Claims 19-27 are objected to. Claims 19 and 28 have been amended. Claims 3-7, 10-12 and 38-48 have been canceled. Therefore, claims 19-37 are pending in the application.

Applicants thank the Examiner for indicating that claims 19-27, although objected to, would be allowable if rewritten in independent form. Claim 19 has been rewritten in independent form and is therefore allowable. Claims 20-27 are dependent on allowable independent claim 19, either directly or indirectly, and are also, therefore, allowable.

Claim 28 has been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, by clarifying that the first and second basic salts are different salts. Support for this amendment may be found throughout the originally filed application. No new matter has been added. Therefore, this rejection has been obviated with respect to the pending claims.

Claim 39 was rejected under 35 U.S.C. § 112, sixth paragraph. With the cancellation of claim 39, this rejection has been obviated.

Claims 28-37 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,146,446 to Tuma (Tuma) and U.S. Patent No. 4,855,276 to Osborne (Osborne).

Applicants respectfully disagree with these rejections and it is respectfully submitted that the currently pending claims, as amended, are patentable over the art of record for at least the reasons set forth below.

Response to Obviousness Rejections

Claims 28-37 were rejected under Tuma and Osborne for which the Office Action asserts that even though "Tuma is silent as to the limitation of second basic salt is [sic] associated with the binder . . . one of ordinary skill in the art would by routine experimentation determine a suitable process with the expectation of at least a similar result" (Office Action, page 6). Further, the Office Action argues "it would have been *prima facie* obvious for one of ordinary skill in the art to prepare Tuma's adsorbent article using basic salts taught by Osborne, because

the references suggest the use of basic salts in adsorbent composition [sic] to filter fluid"
(Office Action, page 7).

Applicants contend, however, that the Tuma and Osborne disclosures cannot render Applicants' composition obvious for at least the following reasons. As amended, claim 28 requires the steps of: "providing an adsorbent and a first basic salt, **blending said adsorbent with said first basic salt to produce a first mixture**, providing a binder and a second basic salt, **blending said binder and said second basic salt to produce a second mixture**, and **blending said first and second mixtures** wherein **said first and second basic salts are different**." (emphasis added).

As admitted by the Office Action, Tuma is silent as to the limitation of a second basic salt associated with the binder. What the Office Action fails to note is that there is also no teaching, disclosure or suggestion in Tuma of using a second salt at all, much less the step of first mixing a second basic salt with the binder to produce a second mixture. In fact, Tuma also does not teach, disclose or suggest any method for fabricating the mixture for producing its acid-gas absorbing tablet, much less one as claimed by Applicants that includes specific steps for mixing specific components in a specific order because the first and second salts interact more intimately with the adsorbent and the binder, respectively, when mixed separately before all of the components are combined together.

The Office Action further asserts that "one of ordinary skill in the art would by routine experimentation determine a suitable process with the expectation of at least a similar result, because Tuma teaches the use of adsorbent article containing the same material, same shape, and for the same purpose . . ." (Office Action, page 6). However, this position is untenable for at least the reason that Tuma does not teach the same material because Tuma lacks a second basic salt. In order to bridge the prior art to the claimed invention, not only would one of ordinary skill in the art "by routine experimentation" have to come up with the addition of a second basic salt on his own because Tuma does not teach a second basic salt, but he would also, without the benefit of any teaching in Tuma with respect to a method for mixing the components together, have to develop Applicants' method for fabrication with its three distinct mixing steps. Applicants contend that only by impermissibly relying on hindsight gleaned from the current disclosure can the Office Action attempt to produce Applicants' claimed invention as the Office Action asserts.

In addition, Tuma also lacks any motivation for one skilled in the art to modify Tuma to achieve Applicants' claimed invention. Without some teaching, disclosure or suggestion in Tuma itself, it is improper for the Office Action to rely on the level of skill in the art to provide such motivation, as set forth in the M.P.E.P. § 2143.01.

With respect to the obviousness rejection of the claims based on Tuma in view of Osborne, Applicants contend that Osborne fails to overcome the deficiencies of Tuma and, therefore, Osborne, either alone or in combination with Tuma cannot render Applicants' claims *prima facie* obvious. Applicants contend that nowhere in Tuma or Osborne is there a teaching that a second basic salt be blended together with a binder in order to produce Applicants' special relationship with the binder in absorbing acid-gases which have been absorbed and desorbed from the binder of a tablet. Therefore, Applicants contend that there is no motivation for one skilled in the art to combine Tuma and Osborne to produce Applicants' invention, *i.e.* there is simply no teaching or suggestion in Tuma or Osborne to associate a second basic salt with a binder to absorb acid-gases and also absorb acid-gases which have been adsorbed and desorbed from a binder. Thus, Applicants assert that the Office has failed to make a *prima facie* case of obviousness with respect to claim 28 based on Tuma and Osborne.

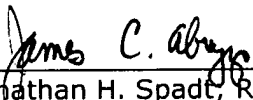
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Reply to Office Action of August 23, 2005

Conclusion

Applicants contend, for at least the reasons set forth above, that claim 28 is clearly patentable over the references of record. Claims 29-37 are also patentable at least for the same reasons that claim 28, on which they are dependent, is patentable, but may be separately patentable for additional reasons as well.

In view of the amendments and arguments set forth above, Applicants contend that claims 19-37 are in condition for allowance. An interview with the Examiner in charge of this application is requested to discuss any remaining issues which might preclude a Notice of Allowance.

Respectfully submitted,



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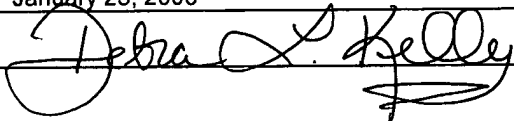
Dated: January 23, 2006

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